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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/263,918	03/05/1999	MARK L. SKARPNESS	042390.P6054	2384

7590 04/07/2003
KENT M. CHEN
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
12400 WILSHIRE BLVD.
7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

HYUN, SOON D

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/263,918	Applicant(s) SKARPNESS ET AL. 17	
	Examiner Soon-Dong Hyun	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this Action can be found in the last Office Action.

Claim Rejections - 35 U.S.C. § 103

2. Claims 1, 4, 5, and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwak (U.S. Patent No. 6,262,995).

Regarding claims 1 and 4, Kwak discloses a method comprising the steps of:

performing segmentation functions of SAR(segmentation and reassembly) functions for ATM (asynchronous transfer mode) with a software module (the software module is not explicitly shown, but the software module is inherently required because an AAL processing is done by a CPU) implemented in a CPU (50) of an ATM terminal (col. 2, lines 12-55, col. 3, line 47-col. 5, line 50 and FIG. 2) including,

receiving data to send (stored in a system memory 40);

segmenting the data to generate a plurality of ATM cells (col. 4, lines 43-62);

buffering the plurality of ATM cells in a memory device (30);

traffic shaping the buffered plurality of ATM cells (col. 5, lines 25-31); and

transmitting the plurality of ATM cells on a network (through a physical layer 10).

Kwak does not explicitly teach that the ATM terminal is a personal computer, but Kwak teaches that the ATM terminal is a device that which performs telephone service using ATM. See

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col. 1, lines 19-20. It is well known in the art that a personal computer performs a multimedia communication including voice communications. Those of skill in the art would have been motivated to use a personal computer as the ATM terminal for multimedia communications. Therefore, it would have been obvious to one having ordinary skill in the art to use a personal computer as the ATM terminal of Kwak.

Regarding claim 5, refer to the discussion for the claim 1 above. Kwak does not explicitly teach a program storage device readable by a machine, tangibly embodying a program of instructions executable by a machine to perform the method, but the program storage device is inherently required for storing a program so that the CPU could perform the given functions in the program.

Kwak also does not explicitly teach that the program storage device has various code sections. The code sections are inherently required for the software to be performed the corresponding AAL processings by the CPU.

Regarding claims 7 and 8, Kwak further discloses a CRC for detecting bit errors (col. 7, lines 54-56) and PAD (col. 7, lines 37-56).

Regarding claims 9-12, refer to the discussion for the claims 1 and 7. Kwak further discloses that reassembly is performed and a CS-PDU is constructed. See col. 8, lines 26-29 and FIG. 6d. A buffer (not shown) in a physical layer is equivalent to an input buffer in the claim and a double port RAM (30) is equivalent to a reassembly buffer in the claim.

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Regarding claim 13, Kwak does not explicitly teach an end of payload data unit marker, but it is inherently required to construct a CS-PDU.

Regarding claims 14-16, refer to the discussion for the claims 5, 9, and 11.

Response to Arguments

3. Applicant's arguments filed 01/23/2003 have been fully considered but they are not persuasive.

Applicant argues that the ATM terminal is not a personal computer. The Examiner agrees.

However, as discussed above, Kwak teaches that the ATM terminal is a device that which performs telephone service using ATM. See col. 1, lines 19-20. It is well known in the art that a personal computer performs a multimedia communication including voice communications. Those of skill in the art would have been motivated to use a personal computer as the ATM terminal for multimedia communications. Therefore, it would have been obvious to one having ordinary skill in the art to use a personal computer as the ATM terminal of Kwak.

Applicant further argues that Kwak does not teach traffic shaping as required in the claims. The Examiner does not agree. With reference to col. 5, lines 25-31, Kwak teaches the traffic shaping.

Therefore, the Examiner believes that the claim rejection is proper.

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Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703) 305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

6. Any response to this final action should be mailed to:

Box AF

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Commissioner for Patents

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Or faxed to: 703-872-9314 for formal communications intended for entry with a label of

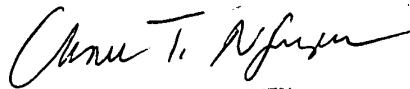
"EXPEDITED PROCEDURE" for informal or draft communications with a label of

"PROPOSED" or "DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).

S

S. Hyun

04/02/2003



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600